

Message Text

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17

ACTION COME-00

INFO OCT-01 NEA-10 ISO-00 EB-07 L-03 CIAE-00 DODE-00

 DOTE-00 FMC-02 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06

 OES-06 SSO-00 INRE-00 /043 W
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FM AMEMBASSY DACCA

TO SECSTATE WASHDC IMMEDIATE 2501

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UNCLAS DACCA 5530

EO 11652: N/A

TAGS: BDIS, EWWT, BG, US

SUBJ: TRADE COMPLAINT: COMYNS BROTHERS, INC.

REF: 10 FAM 330

1. SUMMARY. BDG JUTE MILLS CORPORATION HAS REQUESTED USG HELP IN RESOLVING A TRADE DISPUTE INVOLVING JUTE GOODS SHIPMENTS TO SUDAN ON VESSEL REPORTEDLY ORDERED BY COMYNS TO BYPASS FIRST PORT OF DISCHARGE.

ACTION REQUESTED: TELEPHONE SUBJECT FIRM AND REPORT BASIS ON WHICH THEY WOULD DIRECT VESSEL TO DISCHARGE CARGO AT DESTINATION. END SUMMARY.

2. SOURCES. THE FOLLOWING ACCOUNT IS BASED ON CONVERSATIONS WITH THE GENERAL MANAGER (MARKETING), BANGLADESH JUTE MILLS CORPORATION; THOMAS GARRITY (US CITIZEN) EMERALD INDUSTRIES, BANGLADESH; AND REPRESENTATIVES/OFFICIALS HERE OF LOUIS DREYFUS AND ANDRE CIE.

3. BACKGROUND. (A) JAMES COMYNS OF COMYNS BROTHER INC. (CONTRACTORS-ENGINEERS), 91 WHEATLEY ROAD, OLD WESTBURY, NEW YORK, (516) 626-2984, WAS AWARDED A SYRIAN GOVERNMENT TENDER IN MAY 1976 TO SUPPLY 10,000 BALES OF JUTE BAGS (SACKING) FOR THE GOS GENERAL ESTABLISHMENT FOR CEREAL PROCESSING AND TRADE. RAYMOND GLENN, PARTNER IN COMYNS BROTHERS, (516) 826-2669, THEN CONTRACTED

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IN JULY, 1976 WITH THOMAS GARRITY, EMERALD INDUSTRIES, DACCA, TO

SUPPLY THE JUTE BAGS. GARRITY IN TURN BOUGHT FROM BJMC, RECEIVED THE LETTER OF CREDIT FOR \$1.46 MILLION FROM COMYNS AND MADE IT OVER TO BJMC.

(B) COMYNS ARRANGED THROUGH GEMINI SHIPPING INC., NEW YORK CITY (SHIP BROKERS) TO CHARTER THE VESSEL ERINE PATERA FROM DIRPHYS MARINE, SA OF GREECE. GEMINI APPOINTED SAMUDRAJATRA SHIPPING LINES, BANGLKJESH, AS THEIR HANDLING AGENTS IN BANGLADESH.

(C) GARRITY AND COMYNS ENTERED INFORMALLY INTO A FURTHER ARRANGEMENT TO FILL THE REMAINING CARGO SPACE ON THE ERINE PATERA ON A 70 PERCENT (GARRITY)/30 PERCENT COMYNS) BASIS. IN ADDITION TO THE TEN THOUSAND BALES DESTINED TARTONS, SYRIA, THE ERINE PATERA CARRIED 9,975 BALES OF JUTE SACKING, HESSIAN, AND TWINE DESTINED PORT SUDAN ON ACCOUNTS OF BJMC, LNAIS DREYFUS, ANDRES CIE, BUNGE, AND OTHERS. BILLS OF LADING WERE ISSUED BY SAMUDRAJATRA, APPARENTLY ON INSTRUCTIONS FROM GARRITY. VESSEL SAILED FROM CHITTAGONG SEPTEMBER 23 WITH PORT SUDAN ITS FIRST PORT OF DISCHARGE.

(D) VESSEL BYPASSED PORT SUDAN, REPORTEDLY ON ORDERS OF JAMES COMYNS AND AT PRESENT IS REPORTED SLOW STEAMING OFF SYRIAN COAST.

4. VIRTUALLY EVERY SHIPPER INVOLVED, INCLUDING BJMC, HAS APPROACHED EMBASSY FOR WHATEVER ASSISTANCE MAY BE POSSIBLE. ALL SHIPPERS WANT VESSEL TO PROCEED TO PORT SUDAN AND DISCHARGE CARGO.

5. THE EXACT NATURE OF THE CONTRACT AND THE DETAILS OF THE INFORMAL ARRANGEMENTS BETWEEN GARRITY AND COMYNS ARE NOT FULLY KNOWN TO US, BUT IT IS POSSIBLE THAT PAYMENT OF FREIGHT CHARGES IS AT ISSUE. SOME SHIPPERS PAID FREIGHT CHARGES TO ARISTOS, LOS ANGELES ON REQUEST BY GARRITY. GARRITY TELLS US HE WILL PAY COMYNS FREIGHT PAYMENTS PAID TO ARISTOS WHEN VESSEL DISCHARGES AT PORT SUDAN.

6. ACTION REQUESTED: PLEASE TELEPHONE JAMES COMYNS AND/OR RAYMOND GLENN TO LEARN WHAT THEY WANT IN ORDER TO ORDER VESSEL TO PORT SUDAN. IF IT IS PAYMENT OF FREIGHT, HOW MUCH, AND FROM WHOM IS DUE? WE WOULD PASS THIS ON TO ALL PARTIES HERE. COULD NEA/PAB HELP US GET AN IMMEDIATE REPLY BY OCTOBER 28?

7. COMMENT: THE WORD "PIRACY" HAS BEEN USED BY THE MORE EXCITABLE BUSINESSMEN AFFECTED, BUT WE UNDERSTAND THAT THE CHARTERER OF THE VESSEL, COMYNS, MAY ORDER IT TO GO ANYWHERE HE LIKES. IN OUR VIEW, UNCLASSIFIED

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IT IS IN THE US INTEREST TO ASSIST IN RESOLVING THIS DISPUTE, BECAUSE IT APPEARS THAT A US BUSINESSMAN IS DELAYING THE ARRIVAL OF A BDG SHIPMENT AT ITS DESTINATION.
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